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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/942,606	08/31/2001	Tetsuya Uemura	520.40551X00	7478

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EXAMINER

SHERKAT, AREZOO

ART UNIT	PAPER NUMBER
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2131

DATE MAILED: 10/01/2004

4

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/942,606

Applicant(s)

UEMURA, TETSUYA

Examiner

Arezoo Sherkat

Art Unit

2131

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 August 2001.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-11 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 31 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claims 1-11 are presented for examination.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-7, 10, and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Lumelsky et al., (U.S. Patent No. 6,463,454 and Lumelsky hereinafter).

Regarding claim 1, Lumelsky discloses a contents distribution apparatus for distributing contents to a client, comprising: an apparatus for collecting the contents

access situation information from a client; and means for analyzing the contents access trends based on the collected access situation information (Col. 12, lines 4-15).

Regarding claims 2 and 3, Lumelsky discloses means for predicting contents expected to be in demand in the future, based on the analyzed access trends (Col. 12, lines 4-15 and Col. 13, lines 1-67).

Regarding claim 4, Lumelsky discloses an apparatus for receiving contents meta-information, i.e., additional information required to classify the contents (i.e., 1- Geographical proximity of clients requesting the same object identifier, 2- Commonality of requested constraints such as resolution and quality, and 3- Temporal proximity in the arrival time of requests for the same object identifier), wherein the means for predicting the contents predicts the contents expected to be in demand in the future, based on the access trends and the meta-information (Col. 16, lines 45-67 and Col. 17, lines 1-51).

Regarding claim 5, Lumelsky discloses an apparatus for distributing contents to a client, comprising:

an apparatus for collecting contents access situation information from the client, an apparatus for analyzing contents access trends based on the contents access situation information, an apparatus for transmitting the contents access trends to a server which predicts contents expected to be in demand in the future based on the

contents access trends and transmits the contents, and an apparatus for receiving the contents expected to be in demand in the future from the server (Col. 12, lines 4-15 and Col. 13, lines 1-67).

Regarding claims 6 and 7, Lumelsky discloses an apparatus for distributing contents to a client, comprising:

an apparatus for collecting contents access situation information from the client, an apparatus for transmitting the contents access situation information to a server which analyzes contents access trends based on the contents access situation information, predicts contents expected to be in demand in the future based on the contents access trends and transmits a list of the contents predicted, an apparatus for receiving the list of the contents from the server, and an apparatus for acquiring the contents based on the list of contents (Col. 13, lines 39-67 and Col. 14-15, lines 1-67 and Col. 16, lines 1-10).

Regarding claim 10, Lumelsky discloses wherein both a first contents distribution apparatus and a second contents distribution apparatus are the contents distribution apparatus, wherein: the first contents distribution apparatus transmits first contents acquired from a neighboring server to the second contents distribution apparatus, and the second contents distribution apparatus transmits second contents acquired from a neighboring server to the first contents distribution apparatus (Col. 19, lines 57-67 and Col. 20, lines 1-61).

Regarding claim 11, Lumelsky discloses an apparatus for determining a deletion timing of the contents acquired using the contents access situation information (Col. 21, lines 54-67 and Col. 22, lines 1-20).

Claims 8-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Davis et al., (U.S. Patent No. 6,088,805 and Davis hereinafter).

Regarding claim 8, Davis discloses an apparatus for distributing contents to a client, comprising:

a database for recording information for distinguishing a client and recording permission information concerning distribution of contents to the client, a database access apparatus, an authentication apparatus for authenticating the client and acquiring the information for distinguishing the client, an apparatus for receiving the permission information concerning distribution of contents to the client from a server which manages distribution permission information, an apparatus for requesting acquisition of permission to distribute the contents from the server to the client, and an apparatus for distributing the contents to the client, wherein: the client distinguishing information is acquired by the authentication apparatus when contents distribution request is received from the client, the distribution permission information of the contents is checked for the client distinguishing information by the database access apparatus, the contents are distributed to the client by the contents distribution apparatus when the distribution is permitted, a request is made to acquire permission to

distribute the contents from the server to the client by the apparatus for requesting acquisition of permission when the distribution is not permitted, and the permission information concerning distribution of contents to the client is written by the database access apparatus onto the database for recording permission information, and the contents are distributed to the client by the contents distribution apparatus, when the apparatus for receiving the permission information receives permission to distribute the contents to the client from the server (Pages 7-9, Par. 0084-0093).

Regarding claim 9, Davis discloses wherein: the contents are encrypted and an entry which registers the decryption key of the contents exists in the database, and the server manages the decryption key, the apparatus further comprises: an apparatus for requesting the decryption key from the server; an apparatus for receiving the decryption key from the server (Page 3, Par. 0020); and

an apparatus for distributing the decryption key to the client, wherein: when distribution of the contents to the client is permitted and the decryption key is registered in the database, the decryption key is distributed to the client by the apparatus for distributing the decryption key, when distribution of the contents to the client is permitted and the decryption key is not registered in the database, the decryption key is requested from the server by the apparatus for requesting the decryption key, received by the apparatus for receiving the decryption key, registered in the database by the database access apparatus, and distributed to the client by the apparatus for distributing the decryption key, and when distribution of the contents to the client is not permitted, the

apparatus for receiving the permission information receives the distribution permission, and the database access apparatus writes the permission information onto the permission information concerning the distribution of the contents in the database, the decryption key is requested from the server by the apparatus for requesting the decryption key, received from the server by the apparatus for receiving the decryption key, and distributed to the client by the apparatus for distributing the decryption key (Pages 7-8, Par. 0084-0090).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ginter et al., (U.S. Patent No. 6,253,193),

Bhagavath et al., (U.S. Publication No. 2002/0021665),

Griggs, (U.S. Publication No. 2002/0029384)

Davis et al., (U.S. Patent No. 6,088,805),

Chelliah et al., (U.S. Patent No. 5,710,887), and

Reed, (U.S. Patent No. 6,757,710).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arezoo Sherkat whose telephone number is (703) 305-8749/(703) 272-3796. The examiner can normally be reached on 8:00-4:30 Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (703) 305-9648/(703) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Arezoo Sherkat
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Sep. 29, 2004



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